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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd November, 1985:—

BILL No. 179 of 1985

A Bill to ensure equitable distribution of essential commodities at a fair price through centralised procurement.

Be it enacted by Parliament in the Thirty-sixth Year of Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Procurement and Distribution) Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For the purposes of this Act, the expression "essential commodities" means and includes all types of foodgrains, pulses, baby foods, spices, domestic fuel including kerosene oil, edible oils, clothes, books and other reading materials, soaps and other commonly used toilet articles, writing paper and note books, lifesaving drugs and similar other articles of daily use that may be notified as such by the Central Government from time to time.

Short
title,
extent
and
com-
mence-
ment.

Defini-
tion.

Pro-
curement
of ess-
ential
com-
modities
by the
Central
Govern-
ment.

3. The Central Government shall procure all essential commodities that are produced in the country by paying adequate price which shall be based on the actual cost of their production.

Open-
ing of
fair
price
shops
by the
Central
Govern-
ment.

4. The Central Government, in cooperation with the State Governments, shall open a net-work of fair price shops throughout the country and at least one such shop shall be opened per one thousand persons or three hundred ration cards.

Fixa-
tion of
prices
of essen-
tial
com-
modi-
ties.

5. The prices of essential commodities in such fair price shops shall be uniform throughout the country, which shall be given wide publicity through mass media, and shall include only the overheads and no profits.

Fair
price
shops to
sell
essen-
tial
com-
modities.

6. The essential commodities, procured by the Central Government under section 3, shall be sold through the fair price shops opened under section 4.

Prohi-
bition
on
buying
of
essen-
tial
com-
modities
for
selling
by in-
dividual
etc.

7. The buying of an essential commodity for the purpose of selling by any individual, organisation, trust, company or firm shall be prohibited throughout the country.

Penalty.

8. Any individual, managers of an organisation, trustees of a trust, directors of a company or partners of a firm who infringe the provisions of section 7, shall be punished with imprisonment which may extend to ten years or with fine upto twenty thousand rupees or with both.

Offence
to be
cogniza-
ble.

9. An offence under this Act shall be a cognizable offence.

Power to
make
rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In a welfare State, it is the duty of the Government to make available to the people all the essential commodities at reasonable prices and in adequate quantities. In order to achieve this goal it is necessary that the Central Government should make total procurement of all essential commodities at reasonable prices and do not allow any type of private buying and selling of any essential commodities in the country. Commodities so procured should be distributed to the ultimate consumers throughout the country through an efficient network of fair price shops. Otherwise the moneyed people hoard the commodities and sell them in the market only when they are assured of handsome profits on such commodities resulting into immense hardship to the common people.

The Bill is an attempt to mitigate the hardships of the common people.

NEW DELHI;

July 24, 1985.

R. P. DAS

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the procurement of essential commodities by the Central Government. Clause 4 provides for the opening of fair price shops to sell the essential commodities at fixed prices. For procurement of essential commodities the Central Government will have to recruit more persons. As far as selling of essential commodities through fair price shops is concerned, the Central Government will have to recruit persons for running these shops in the Union territories and in case of States, the respective States will meet the expenditure on running of these shops. Clause 5 provides for giving wide publicity to the prices of essential commodities through mass media. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crores per annum.

It is also likely to involve a non-recurring expenditure of rupees one crore from the Consolidated Fund of India for the purpose of establishment of shops in the Union territories. The expenditure on establishment of shops in the States will be met by the respective State Governments.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Government to frame rules to give effect to the provisions of the Bill. These rules relate to matters of details only. As such, the delegation of legislative power is of a normal character.

AS INTRODUCED IN LOK SABHA ON 22-11-85

BILL NO. 174 OF 1985

A Bill to provide for special educational facilities to children of economically backward parents.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short
title,
extent
and
com-
mence-
ment.

1. (1) This Act may be called the Special Educational Facilities (for Children of Economically Backward Parents) Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Free edu-
cation to
children
born of
econo-
mically
backward
parents.

2. The children born of parents whose income is less than rupees seven hundred per month shall be provided with free education from school level to the post-graduate level and also in higher technical institutions including medical and engineering colleges.

Provision
of neces-
sary books,
etc. to
children
of econo-
mically
back-
ward
parents.

3. The children of economically backward parents under section 2 shall also be provided free of cost necessary books, hostel facilities, transportation, clothing and similar other facilities which are needed for education.

Power to
make
rules.

4. The Central Government shall make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Promotion of education and establishment of classless and creedless society is one of the basic aims of our Constitution. However, when majority of the population has not even the subsistence level income, the chances of increasing literacy rate and the consequential benefits are not available to the society. It is, therefore, necessary that the Government should make provisions for free educational facilities and provide books, hostel facilities and transportation free of cost to the children of such persons whose income is less than seven hundred rupees per month so that they have better job opportunities and are able to raise their standard of living

Hence this Bill.

NEW DELHI;

R. P. DAS

July 24, 1985.

FINANCIAL MEMORANDUM

Clause 2 of the Bill envisages free education at all levels to children of economically backward parents. Clause 3 of the Bill envisages free books, hostel facilities, transportation and similar other amenities connected with education to such children. All these will involve a recurring expenditure of rupees ten crores per year from the Consolidated Fund of India.

No non-recurring expenditure is involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Act. These rules will relate to matters of details only. The delegation of legislative power is of a normal character.

BILL No. 176 OF 1985

A Bill to provide for the fixation and regulation of wages of persons employed in hard coke oven and ceramic industries.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

- | | |
|--|--|
| Short
title,
extent
and
commen-
cement. | <p>1. (1) This Act may be called the Fixation and Regulation of Wages of Hard Coke Oven and Ceramic Industries Employees Act, 1985.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> |
| Constitu-
tion
of a wage
board. | <p>2. The Central Government shall constitute a wage board for fixing and regulating the wages of employees of hard coke oven and ceramic industries.</p> |
| Members
of the
wage
board. | <p>3. The wage board shall consist of a representative of the Central Government, who shall be the chairman of the wage board, and five representatives each of the employers and the employees.</p> |

STATEMENT OF OBJECTS AND REASONS

A part of the hard coke industry is owned by Coal India Ltd., a Government of India Enterprise. The other part of the industry is owned privately where workers neither get minimum wages nor any other benefits.

Workers employed in collieries of Coal India are paid in accordance with 'National Coal Wage Agreement' whereas no such system exists for privately owned ovens, which is unfair and unjust even though private hard coke oven owners make fabulous profits.

Similarly, ever since its inception, no uniform wage scales exist for workers of ceramic industry. They are the lowest paid industrial workers in the organized sector in India.

It is necessary to fix and regulate the wages of all the above categories of workers.

Hence this Bill.

NEW DELHI;
July 24, 1985.

YOGESHWAR PRASAD YOGESH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of a wage board for fixing and regulating the wages of employees of hard coke oven and ceramic industries. There will be some expenditure in connection with the meetings of the board and some persons will have to be employed to help the board in its day to day working. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees ten lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

BILL NO. 168 OF 1985

A Bill to provide for the setting up of a super thermal power station at Balumath in Palmau District of Bihar.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Setting up of a Super Thermal Power Station at Balumath Act, 1985.

Short
title.

2. The Central Government shall set up a super thermal power station at Balumath in Palmau District of Bihar with a view to produce electricity for the benefit of Bihar and neighbouring States.

Setting
up of a
super
thermal
power
station in
Palmau
District
of Bihar.

3. In the super thermal power station, to be set up under section 2, preference in the matter of employment shall be given to Adivasis, Harijans, backward classes and other economically weaker sections of the people belonging to Palmau District of Bihar.

Prefer-
ence in
employ-
ment to
Adivasis,
Harijans,
etc.

STATEMENT OF OBJECTS AND REASONS

Chatra Parliamentary constituency comprises three districts. This Parliamentary constituency has no industry and the people of the area have no definite source of livelihood.

Large coal deposits have been found in Balumath area. According to the Department of Coal, this coal can be utilised for power generation only. If a super thermal power station based on this coal deposits is set up at Balumath, there will be plenty of electricity available to the district.

Moreover, the setting up of the power station would provide means of livelihood to educated and uneducated unemployed persons of this backward area, especially Harijans, Adivasis and other people belonging to economically and socially backward classes. Coal from the adjacent northern Karnapura area can also be obtained for generating power. Water from the Auranga and other rivers can also be made available for the purpose.

The Bill seeks to achieve the above objective.

NEW DELHI;

YOGESHWAR PRASAD YOGESH.

July 24, 1985.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a super thermal power station at Balumath in Palmau District of Bihar by the Central Government. This would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of rupees five crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crores is likely to be involved from the Consolidated Fund of India.

BILL NO. 169 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1985.

Amend-
ment of
article
311.

2. In article 311 of the Constitution, in clause (2), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.”.

STATEMENT OF OBJECTS AND REASONS

It is admitted that clause (b) of second proviso to clause (2) of article 311 of the Constitution is depriving 12 million employees in the service of the Union or States of security of job. The constitutional safeguards of employees cannot be taken away arbitrarily. Recent Supreme Court judgement has proved the above fact.

The right of employment taken away by successive constitutional amendments is proposed to be restored.

Hence this Bill.

NEW DELHI;

August 7, 1985,

C. JANGA REDDY

BILL No. 172 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1985.

2. For article 371 of the Constitution, the following article shall be substituted, namely:—

Short
title.

Substi-
tution
of new
article
for
article
371.

Special
pro-
vision
with
res-
pect to
the
States of
Maha-
rashtra
and
Gujarat.

“371. (1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Maharashtra or Gujarat, provide for the establishment of separate boards for the development of Maharashtra or, as the case may be, of Gujarat, and, in particular, of the districts of Nagpur, Akola, Amravati, Bhandara, Buldhana, Chandrapur, Wardha and Yavatmal in Vidarbha region, the districts of Aurangabad, Bir, Parbhani, Nanded, Osmanabad, Latur and Jalgaon in the Marathwada region and the districts of Ratnagiri, Sindhu Durg, Rajgarh and Thane in the Konkan region of Maharashtra and Saurashtra and Kutch regions of Gujarat, by the Government of Maharashtra or, as the case may be, by the Government of Gujarat.

(2) Each board shall take special steps to secure rapid and accelerated development of the said areas in the educational, economic, cultural and social fields, in order to bring them at par with other developed areas of the State.

(3) Each board shall make a report to the Government of the respective State and to the President after every six months regarding the progress of development in different fields and the executive power of the Union shall extend to the giving of directions to the board and the concerned Government as to the development measures taken or to be taken by the board in consultation with the Government of the State.

(4) The President may make such other orders in respect of the development of each State as he may consider necessary having regard to the requirements of each State.”.

STATEMENT OF OBJECTS AND REASONS

Under article 371 of the Constitution, a special provision for the development of the States of Maharashtra and Gujarat was made at the time of the formation of these States. In spite of assurances to the effect that the underdeveloped areas of the States would not suffer for want of attention in the matter of development, actually such areas have not received a fair deal and the result is that the people in certain regions of these States continue to suffer and languish in the matter of development in the economic, social, educational and industrial fields.

It is, therefore, felt imperative that the people of Vidarbha, Marathwada, Konkan, Saurashtra and Kutch are assured that speedy development measures will be taken in these regions. To this end, article 371 of the Constitution needs to be suitably amended.

Hence this Bill.

NEW DELHI;
August 7, 1985.

HUSSAIN DALWAI

BILL NO. 178 OF 1985

A Bill to provide for prohibition on conversion from one religion to another by the use of force or inducement or by fraudulent means and for matters incidental thereto.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom of Religion Act, 1985.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

(a) 'conversion' means renouncing one religion and adopting another;

(b) 'force' shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication;

(c) 'fraud' shall include mis-representation or any other fraudulent contrivance;

Short
title
and
commen-
cement.

Defini-
tions.

(d) 'inducement' shall include the offer of any gift or gratification either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise;

(e) 'minor' means a person under eighteen years of age.

Prohibition on conversion by force, inducement, etc.

3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by deceit or by any fraudulent means nor shall any person abet any such conversion.

Punishment.

4. Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to three thousand rupees or with both;

Provided that in case the offence is committed in respect of a minor, woman or a person belonging to the Scheduled Caste or Scheduled Tribe, the punishment shall be imprisonment to the extent of two years and a fine upto five thousand rupees.

Offence to be cognisable.

5. An offence under this Act shall be cognisable and shall not be investigated by an officer below the rank of an Inspector of Police.

Prosecution with the sanction of District Magistrate.

6. No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Sub-Divisional Officer, as may be authorised by him in this behalf.

Probation of Offenders Act not to apply.

7. The provisions of the Probation of Offenders Act, 1958 shall not apply to the punishment of offences committed under this Act.

20 of 1958.

Power to make rules.

8. The Central Government may make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India guarantees certain fundamental rights. The right to profess, practise and propagate the religion of the concerned individual is enshrined in the Constitution as a basic fundamental right. Forceful conversion from one religion to another is done by providing means and measures like giving employment to the converts, by bringing undue influence on them and by wrong inducement. Therefore, such conversions should be prohibited.

Hence this Bill.

NEW DELHI;
August 22, 1985.

S. M. BHATTAM

MEMORANDUM REGARDING DELEGATED LEGISLATION

.. Clause 8 of the Bill empowers the Central Government to make rules for the purpose of carrying out the provisions of the Act. Since the rules to be framed will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 180 OF 1985

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1985.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 84 of the Constitution, after clause (b), the following clause shall be inserted, namely:—

Amend-
ment of
article
84.

“(bb) is, in the case of a seat to be filled by election, set up as a candidate for election to Parliament by a political party recognized by the Election Commission;”.

3. In article 102 of the Constitution, in clause (1), after sub-clause (d), the following sub-clause shall be inserted, namely:—

Amend-
ment of
article
102.

“(dd) if, in the case of a seat to be filled by election, he is not set up as a candidate for election to Parliament by a political party recognised by the Election Commission;”.

Amend-
ment of
article
173.

4. In article 173 of the Constitution, after clause (b), the following clause shall be inserted, namely:—

“(bb) is, in the case of a seat to be filled by election, set up as a candidate for election to the Legislature by a political party 5 recognised by the Election Commission;”.

Amend-
ment of
article
191.

5. In article 191 of the Constitution, in clause (1), after sub-clause (d), the following sub-clause shall be inserted, namely:—

“(dd) if, in the case of a seat to be filled by election, he is not set up as a candidate for election to the Legislature by a political party recognized by the Election Commission;”.

Insertion
of new
article
326A.

6. After article 326 of the Constitution, the following article shall be inserted, namely:—

“326A. (1) Notwithstanding anything in this Constitution, and subject to the provisions of clause (2), the Election Commission shall have exclusive power to recognize any political party for the purposes of elections to Parliament or to the Legislature of a State.

(2) The Election Commission shall not recognize any political party which professes, preaches or practises regionalism, casteism, communalism or works to the detriment of secularism, sovereignty, unity and integrity of India.

(3) The decision of the Election Commission as to recognition or de-recognition of a political party shall be final and shall not be called in question either by an election petition or otherwise in any court:

Provided that before refusing to recognize or derecognize a political party, the Election Commission shall give such political party a reasonable opportunity of being heard in the matter.”.

Recog-
nition
of poli-
tical
parties
for
elections
to Par-
liament
and
State
Legis-
lature.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-second Amendment) Act, 1985 enacted by Parliament recently has ended the evil and menace of political defections. The amendment gives prime importance to political parties, their membership and directions or whips to their members to vote or abstain from voting. In other words, the institution of a political party has now been given constitutional recognition and has become an integral part of the Constitution. There is no reason why the principle now enshrined in the Constitution should not be extended so that only those who belong to a political party recognized by the Election Commission should alone be eligible to stand for election as a member of Parliament or State Legislature. In effect this would mean that an Independent candidate should not be permitted to contest for a seat in the Legislature.

The role of "Independent Candidate" is also sometime akin to political defection. During the General Elections held for the present (Eighth) Lok Sabha, as also in other elections, independent candidates had taken to the field in large numbers. To cite a few instances, 500 independent candidates contested the 54 seats from Bihar, 151 for 26 seats from Gujarat, 161 for 10 seats from Haryana. In Maharashtra, there were 384 independents for 48 seats and their numbers have steadily increased from 50 in 1962 to 62 in 1971, 101 in 1977 and 246 in 1980. Such a graph can be drawn in respect of every State. For Tamil Nadu Assembly election for 234 seats, there were 980 independent candidates. The presence of 88 of them in the Mathuranthakam constituency in Changanpattu district posed a serious problem to the State election machinery in regard to printing of a ballot paper and a ballot box to accommodate the oversized ballot papers besides inventing symbols. In short, according to one study there were on an average over 10 independents in each Lok Sabha constituency in 1985 election.

The fact that over 90 per cent of the Independents fail to poll even a sixth of the votes and lose their security deposits makes the entire election exercise a heart-breakingly futile one for those in charge of the physical arrangements. Time has therefore come to take some measures, however drastic they may seem, to check the multiplicity of "frivolous candidates". To restrict the candidature to politically sponsored candidates is one such measure.

Since, in the proposed Bill, only the political parties recognised by the Election Commission will be allowed to set up candidates, such political parties should be such who are pledged to uphold the ideals set out in the Preamble to the Constitution, and are not such which advocate, profess and practise regionalism, casteism, communalism or work against country's unity and integrity.

The Bill seeks to achieve the above objectives.

NEW DELHI;
September 4, 1985.

HUSSAIN DALWAI

BILL NO. 181 OF 1985

A Bill to prevent the slaughtering of cows in India.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

**Short
title,
extent
and
com-
mence-
ment.**

1. (1) This Act may be called the Prevention of Cow Slaughter Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires—

(a) “cognizable offence” shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1973;

(b) “cow” includes she and he-calves, heifers, bullocks and bulls;

(c) “killing” includes slaughtering or otherwise killing for any purpose and by any means whatsoever.

2 of 1974.

**Ban on
cow
slaughter.**

3. No person shall kill or cause to be killed a cow for any purpose and at any place in India.

Penalty.

4. Any person killing or causing to be killed a cow shall be punishable with imprisonment for a term which may extend to fourteen years or with fine which may extend upto one thousand rupees.

**Offence
to be
cognizable**

5. An offence under this Act shall be a cognizable offence.

STATEMENT OF OBJECTS AND REASONS

The cow is held in veneration by millions of people in India. It serves the nation in many fields of life. Bullocks are needed for agriculture. The necessity of cow for Indian life can never be over-estimated. In the Directive Principles of State Policy (article 48) enshrined in the Constitution, a duty has been cast upon the Government to take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves. It is therefore, necessary to have legislation for stoppage of slaughter of cows.

Hence the Bill.

NEW DELHI;
October 19, 1985.

A. K. PATEL

SUBHASH C. KASHYAP,
Secretary-General.